

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEITH RUSAN,)
Plaintiff,)
vs.) Case No. 4:15-CV-1695-SPM
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
Defendant.)

MEMORANDUM AND ORDER

This case is before the Court on Acting Commissioner Carolyn W. Colvin's ("the Commissioner's") Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 16). As of the date of this order, Plaintiff has not filed any opposition to the motion. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 9).

On November 11, 2015, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed her answer on January 21, 2016, and the transcript of the administrative proceedings on January 22, 2016. (Docs. 12 & 14). Plaintiff has not yet filed a brief in support of the complaint.

On February 3, 2016, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of 42 U.S.C. § 405(g), which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause

for a rehearing.” 42 U.S.C. § 405(g). The Commissioner states in her motion that “[u]pon receipt of the Court’s remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ), who will be directed to update the record as necessary, evaluate the potential borderline age situation in accordance with HALLEX II-5-3-2, and, if warranted, obtain evidence from a vocational expert.” Doc. 16, at 1.

Upon review of Plaintiff’s Complaint, the ALJ’s decision, and the Commissioner’s motion, the Court agrees with Defendant that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand (Doc. 16) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this order.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of March, 2016.